

The Michigan Court Rules:

A Desk Reference Guide for Court Support Personnel



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The Michigan Court Rules

As court support personnel, you provide service to court patrons as they exercise their rights to access and fair treatment in our courts. Accuracy when referring to the court rules is important. This reference guide should be used in conjunction with the Michigan Court Rules web-based training (WBT) as a tool to help you navigate the Michigan Court Rules.

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Review Questions from the Court Rules Web-Based Training

1. What are the court rules?

- a. The court rules establish the structure of the courts and basic civil rights.
- b. The court rules govern practice and procedure in all Michigan state courts.
- c. The court rules are rules for procedure in Michigan state courts that have decided to adopt them.
- d. The court rules establish citizen's legal rights and duties.

2. How are the court rules developed?

A new court rule is _____ to the Michigan Supreme Court for review. The rule then may be _____ for comment. After a public comment period and discussion at a public hearing, the _____ accepts, modifies, or rejects the rule.

3. What answer best describes the importance and benefits of the court rules?

- a. The court rules establish procedures that promote justice for the public.
- b. The court rules inform judges, attorneys, and the public about the court's procedural requirements.
- c. The court rules back you up when you need to explain court procedures to patrons.
- d. All of the above are correct.

4. What is the difference between a court rule and a statute?
 - a. There is no technical difference between a court rule and a statute, since they are both sources of law.
 - b. Statutes are generally “substantive” creating specific legal rights and duties. Court rules are usually “procedural law”, telling people how to enforce and carry out one’s legal rights and duties in the courts.
 - c. Because statutes are enacted by the legislature, they take precedence over court rules.

5. Can court staff use the Michigan Court Rules to answer questions about all Michigan Courts?
 - a. The Michigan Court Rules apply to every state court in Michigan, but you will provide a more accurate answer if you address the types of cases you typically process.
 - b. To provide good customer service, you should use the rules to answer all questions for the various courts.
 - c. You should avoid all questions about other courts and only answer questions about the court in which you work.

6. Which chapter of the Michigan Court Rules describes the general duties of the court clerks?
 - a. Chapter 1: General Provisions
 - b. Chapter 8: Administrative Rules of Court
 - c. Chapter 2: Civil Procedure
 - d. Chapter 3: Special Proceedings and Actions

7. Where in the Michigan Court Rules would you locate rules about adoptions?
 - a. Chapter 3 Special Proceedings and Actions, subchapter 3.800
 - b. Chapter 5 Probate Court, subchapter 5.780
 - c. Chapter 5 Probate Court, subchapter 5.400

8. Are there any Local Court Rules for the 12th Judicial District Court of Jackson County? Are the rules still in effect? What do the effective rules regulate?

9. A court patron comes to the counter and asks what they need to do to get a personal protection order. What keywords could be searched in the index or online to find applicable court rules?

10. What would you look up using the index to the Michigan Court Rules, to answer the following question: What rule governs child protective proceedings involving American Indian children?

11. Why should you look for the general provisions when searching for an answer to a question?
 - a. General provisions explain when the rules are applicable.
 - b. General provisions summarize the rules covered in the chapter's subchapters.
 - c. General provisions describe which subchapter to review for a specific question.

12. Which statement is correct?
 - a. If you can't find information about a court procedure in a court rule, it might be found in a statute.
 - b. Local court rules overrule Michigan Court Rules.
 - c. If both a statute and a court rule contain a procedure, follow the statute.

13. Your copy of the Court Rules appears to be out of date. Where can you check for updates? (mark all of the correct answers)
 - a. Ask a co-worker.
 - b. Look at a recent monthly edition of the *Michigan Bar Journal* or the *Supreme Court Report*.
 - c. Check the *Michigan Compiled Laws*.
 - d. Michigan Supreme Court Website

14. What sources of law may you refer court patrons to who have questions about court procedure?

Use your printed copy or the online version of the Court Rules to locate the court rule or administrative order that would answer these 6 common questions and issues.

1. How should papers for a court filing be prepared?
2. Can the court ever waive filing fees required by law?
3. Who can look at court files?
4. What information should be included in the case caption?
5. Where can I find out what to do if a document filed with the court contains a social security number? (Hint: this is not a court rule, but an administrative order.)
6. Are there circumstances when a clerk may reject papers filed?

Circuit Court Review Questions

Use your printed copy or the online version of the Court Rules to locate the court rule or administrative order that would answer these 4 common questions and issues specific to the CIRCUIT COURT.

1. How is a civil court proceeding started?

2. How is an appeal from a district court judgment started?

3. What is required at a sentencing hearing?

4. What information is required to be kept on a register of actions (ROA)?

District Court Review Questions

Use your printed copy or the online version of the Court Rules to locate the court rule or administrative order that would answer these 4 common questions and issues specific to the DISTRICT COURT.

1. How is a civil court proceeding started?
2. When can the clerk enter a default judgment for a civil infraction?
3. Must a defendant's trial rights be stated on the record at the time of entry of a plea in district court?
4. How many days from judgment does an unrepresented party have to file a motion to have a landlord-tenant consent judgment set aside?

Family Division Review Questions

Use your printed copy or the online version of the Court Rules to locate the court rule or administrative order that would answer these 4 common questions and issues specific to the FAMILY DIVISION.

1. In chapter 3.900 Proceedings Involving Juveniles, which court rule indicates what rules apply to both delinquency proceedings and child protective proceedings?
2. Who must be notified of juvenile delinquency proceedings?
3. What part of a juvenile's legal file is confidential?
4. In a child protective proceeding, when must the respondent be served with a summons?

Probate Court Review Questions

Use your printed copy or the online version of the Court Rules to locate the court rule or administrative order that would answer these 4 common questions and issues specific to the PROBATE COURT.

1. I want to be the guardian for a relative. What do I need to do?

2. My mom's will names me as guardian for my 32 year old developmentally disabled brother. Do I need to do anything through the courts to make it legal?

3. How do I open a probate estate for my uncle?

4. I need to file a case regarding my aunt's medical power of attorney. She lives in Wayne county, but she is hospitalized in Oakland county. Where do I file?

Helpful Hints

BACK COVER:

The back cover of your court rules can be used as an index to locate specific parts of your Michigan Court Rules. Each section of the court rules is listed on the back cover. On the left side of each listing there is an arrow. If you follow the arrow to the side of the book, you will notice black marks on the sides of some pages. It is easier if you bend your book to accentuate the black marks. The marks are located on the first page of that section of the court rules. For example, if you want to find the index to Criminal Procedure, find “Criminal Procedure” on the back cover, follow the arrow to the left. When you see the black mark that lines up with your arrow, place your finger at the mark and open the page. You will find yourself at the beginning of the chapter on Criminal Procedure.



Helpful Hints

COURT RULE COMMENTS:

At the end of each court rule you might notice the “comments” section. The comments are not authoritative construction by the court. They still may offer insight to the user. They often explain why a court rule was amended. They may also explain the purpose of the court rule. For example, look at the comment to MCR 1.109. MCR 1.109 provides the paper size standards. The comment explains that the court rule was changed after consideration for several years to require letter-sized paper which was consistent with the trend in other jurisdictions. It also provides the clarification that “the requirement doesn’t apply to attachments, though parties are encouraged to reproduce them on 8 1/2-by-11-inch paper as well.”

RULE 1.109 PAPER AND TYPE-SIZE STANDARD

(A) All pleadings and other papers prepared for filing in the courts of this state must be on good quality 8½-by-11-inch paper, and the print must be no smaller than 12-point type. This requirement does not apply to

(1) forms approved by the State Court Administrative Office, and

(2) attachments and exhibits, but parties are encouraged to reduce or enlarge such papers to 8½ by 11 inches, if practical.

(B) Court clerks may not accept nonconforming papers except on written direction of a judge.

[Adopted February 22, 1990, effective January 1, 1991, 434 Mich; amended September 30, 2003, effective January 1, 2004, 469 Mich.]

Comments

1991 Staff Comment

A proposal to require the use of letter-size paper for pleadings and other papers filed in Michigan courts has been under consideration for several years. See Administrative Order 1987-8.

New MCR 1.109, effective January 1, 1991, adopts such a requirement, consistent with the trend in many other jurisdictions, including the federal courts.

The requirement does not apply to attachments, though parties are encouraged to reproduce them on 8½-by-11-inch paper as well.

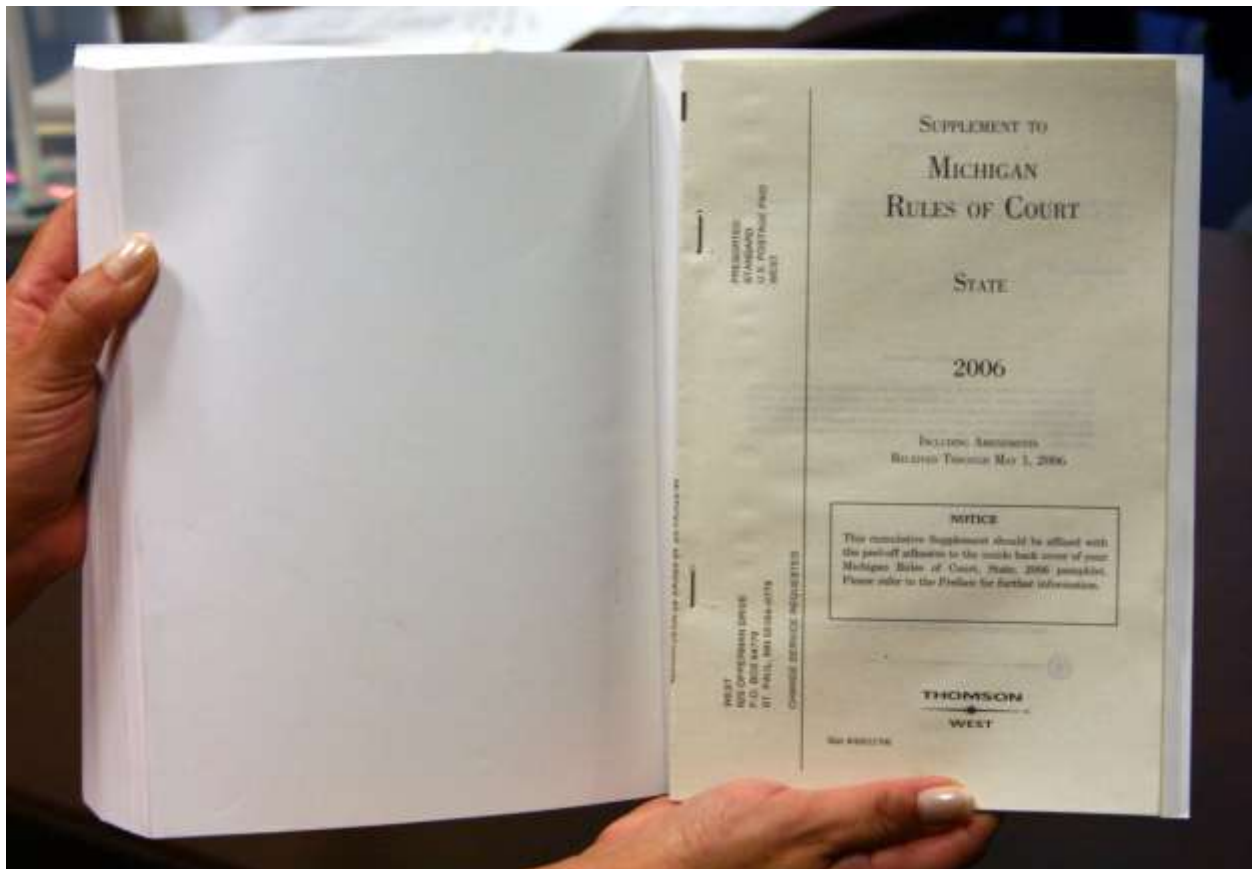
Staff Comment to 2004 Amendment

The September 30, 2003 amendment of Rules 1.109 and 2.113 of the Michigan Court Rules, effective January 1, 2004, established a uniform type-size standard for all papers filed in Michigan courts. This conforms to the 12-point minimum that is required for briefs filed at the Court of Appeals, MCR 7.212(B), and applications and briefs filed at the Supreme Court, MCR 7.302, 7.304, 7.306, and 7.309. There is an exception for court forms approved by the State Court Administrative Office. The change does not preclude the filing of typewritten or legible handwritten pleadings, provided they meet the size requirements.

Helpful Hints

SUPPLEMENT:

In order to keep up with all of the changes in the court rules it is important to check the Supplement to the court rules. Throughout the year, the Michigan Supreme Court amends previous court rules and adopts new court rules. However, the printed version of the court rules is only printed once a year. Midway through the year, Thomson-West will publish a supplement to the court rules. The supplement is intended to keep your paper copy of the rules as up to date as possible. Anytime you check the paper copy of a court rule, make sure you review the supplement to see if the rule was recently amended.



Chapter 1: General Provisions

The general provisions chapter focuses on universal court rules such as rules resolving conflict between statute and court rule, computing time, standard paper requirements, and the process for amending the court rules.

If you are looking for rules about...	Go to Michigan Court Rule
Conflict between statute and court rule	MCR 1.104
Computing time	MCR 1.108

Chapter 2: Civil Procedure

This chapter governs procedure for civil proceedings in all Michigan state courts with two exceptions:

1. When a court's jurisdiction makes a rule inapplicable.
2. When another court rule has precedence.

Chapter 2 also includes rules applicable to mediation, also known as alternative dispute resolution, and rules of interest to jury clerks.

If you are looking for rules about...	Go to Michigan Court Rule
Civil commencement of action	MCR 2.101
Filing papers with the clerk	MCR 2.107

Chapter 3: Special Proceedings and Actions

This chapter covers many special proceedings and actions. Other examples detailed in this chapter include:

1. Garnishment or attachment
2. Injunctions
3. Domestic relations, class actions, arbitration, name changes, PPO's, adoptions, child protective proceedings, and juvenile delinquency proceedings.

If you are looking for rules about...	Go to Michigan Court Rule
Commencement of PPO proceedings	MCR 3.703
Service of PPO and scheduling hearings	MCR 3.705

Chapter 4: District Court

Chapter 4 covers the district court procedures for specific types of civil cases. Examples include civil infractions, landlord tenant proceedings, and small claims.

If you are looking for rules about...	Go to Michigan Court Rule
Civil infraction actions	MCR 4.101
Small claims statement	MCR 4.302

Chapter 5: Probate Court

Chapter 5 covers cases handled by the probate court. Examples of the types of cases included in this chapter are: Estates, Trusts, Mental Health, Guardianships, and Conservatorships.

If you are looking for rules about...	Go to Michigan Court Rule
Appointment of Guardian Ad Litem	MCR 5.121
Proceedings in decedent estates	MCR 5.300

Chapter 6: Criminal Procedure

This chapter covers procedural rights for all criminal cases. Examples of procedural rights include: Arrest, arraignment, speedy trial, right to counsel, and trial by jury.

If you are looking for rules about...	Go to Michigan Court Rule
Arraignment	MCR 6.104, 6.113, 6.610(D)
Defendant's right to speedy trial	MCR 6.004(A)

Chapter 7: Appellate Rules

This chapter of the court rules establishes procedure for appeals to the circuit court, Court of Appeals, or the Michigan Supreme Court.

If you are looking for rules about...	Go to Michigan Court Rule
Appeals to circuit court – time	MCR 7.101(B)
Filing an appeal of right	MCR 7.204

Chapter 8: Administrative Rules of Court

This chapter establishes authority and requirements for the State Court Administrator, including types of reports judges and courts must submit to the State Court Administrative Office. Chapter 8 also provides general duties of court clerks including: types of records kept, access to files, office hours, case type code list, and reports clerks submit.

If you are looking for rules about...	Go to Michigan Court Rule
General duties of clerks	MCR 8.105
Chief Judge Rule	MCR 8.110

Chapter 9: Professional Disciplinary Proceedings

This chapter details the procedure for a person to follow when making comments or a complaining about a judge or an attorney.

If you are looking for rules about...	Go to Michigan Court Rule
Standards of conduct for attorneys	MCR 9.103

Michigan Supreme Court Administrative Orders

Michigan Supreme Court Administrative Orders are not court rules, but are published with the court rules. They include orders directing all courts as well as orders to specific courts. Some orders directly affect clerical activity. Orders are numbered consecutively by the year in which they are entered.

If you are looking for rules about...	Go to Administrative Order
Clarification of time for filing post-judgment motions	AO-2005-2
Court documents containing social security numbers	AO-2006-2

Local Court Rules

In some cases, trial courts have local court rules that are specific to their court proceedings. These rules are published in the Court Rules book and online, listed in numerical and alphabetical order by court.

Write in frequently used Local Court Rules for your court....	